

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ARSAPE S.A.,

NO. C 03-04535 JW

Plaintiff,

v.

**ORDER DENYING MOTION FOR
LEAVE TO FILE MOTION FOR
RECONSIDERATION**

JDS Uniphase Corporation,

Defendant.

On June 15, 2006, the Court granted in part Defendant's Motion for Summary Judgment. Plaintiff seeks leave to file a motion for reconsideration of Court's findings that counsel's admissions at the June 5, 2006 hearing affirmatively foreclosed the existence of binding oral contracts, and that the terms and conditions of Defendant's purchase orders became part of the contract between the parties. Plaintiff has not demonstrated that (1) there is a material difference in fact or law from that presented to the Court at the hearing, (2) the emergence of new material facts or a change of law following the June 15 Order, or (3) there was a manifest failure by the Court to consider material facts or dispositive legal arguments. The Court refers Plaintiff to Mr. Wineberg's statements at page 18 lines 10-25 in the transcript of the hearing submitted in the Declaration of Margaret A. Ziemianek in Support of Motion for Leave to File Motion for Reconsideration of the Court's June 15, 2006

Order (Docket Item No. 285), and to the Court's June 15, 2006 Order at pages 6-8. Accordingly,
Plaintiff's motion is DENIED.

Dated: July 17, 2006

03cv4535recon

/s/ James Ware

JAMES WARE

United States District Judge

United States District Court

For the Northern District of California

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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8 **Dated: July 17, 2006**

Richard W. Wieking, Clerk

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11 By: /s/ JW Chambers
12 **Snooki Puli**
13 **Courtroom Deputy**
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